

Eugene HB 2001 Review Panel

Proposed Project Plan

Version 1.4 - June 2020

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1) Overview

This document proposes the use of a lottery-selected Review Panel by the City of Eugene in 2020-2021, as part of the Middle Housing Code Amendments Project – the City's strategy to comply with zoning code mandates in HB 2001.

The Panel's work would occur in two parts:

• Part 1 - Fall 2020

- Guiding question: What principles should guide code and policy changes that the City of Eugene needs to make in order to comply with HB 2001?
- Goal: To set principles and equity-based decision-making criteria related to HB 2001 compliance.

• Part 2 – Spring 2021

- Guiding question: How well do proposed policy and code changes support the established principles?
- Goal: To evaluate policy changes and code language proposed by staff and consultants, then draft final recommendations for consideration by the Planning Commission and City Council.

To answer these two substantial questions, the Panel would rely on the lived experience of its members, testimony from a diverse array of stakeholders and experts, other public engagement inputs (e.g., surveys), and detailed work with technical staff.

This Review Panel would build on the work of <u>Envision Eugene</u> and the <u>Housing Tools & Strategies Working Group</u>. Its design also follows the best practices detailed in the Climate Action Plan Equity Panel's <u>final report</u> (see pg. 15), including those related to universal accessibility, maximizing deliberative time, independent facilitation, evaluation, and valuing Panelists' expertise.

This proposal suggests general principles and procedures for the process, a basic timeline and budget, divisions of responsibility and decision-making, and deliverables.



2) Principles

The following are basic principles common to most lottery-based deliberative Panels, including Healthy Democracy's Review Panels.

Please see Appendix A for details on the key differences between Review Panels and typical community advisory committees.

- A paradigm of **Panelists-on-the-dais**, not in the audience.
 - Think of Review Panels as fact-finding commissions, task forces, or advisory boards – just not focus groups.
- A direct path to decision-makers real influence over public policy.
- An emphasis on collaborative decision-making.
 - Working toward shared solutions, without forcing consensus.
- Accountable and transparent governance over the process.
 - A Steering Committee makes key high-level decisions, not staff alone, and includes diverse stakeholders, process staff, and Panelists themselves.
- Independence from outside political interference.
 - Everyone involved agrees to certain guidelines to prevent undue political manipulation in the Review Panel's work – this includes guidelines for Panelists, City staff, City electeds, process staff (i.e., Healthy Democracy), presenting witnesses, public observers, media, and others. Standard guidelines are available from HD upon request and are open to local variation.
- Random and representative selection of Panelists.
 - Randomly selected from the general public, but
 - Representative on a number of demographic and political factors.
- A substantial **evidence-gathering phase**, including:
 - Materials provided by the City.
 - Testimony by experts and stakeholders selected by the Steering Committee.
 - o Testimony by experts and stakeholders selected by the Review Panel itself.
 - o Research by the Review Panel.
 - o Other public input, including online engagement and surveying.
- A structured, in-depth deliberation phase.
 - Designed by professional process designers and based on research.
 - Moderated by professional, trained moderators.
- An actionable final report of prioritized recommendations.
 - Written by the Panelists themselves, with no writing or editing by staff.
 - From the full Panel but with room for minority opinions and individual voices.
- Third-party evaluation of process design and execution.



3) Procedures

The following are basic procedures we propose for this specific Review Panel:

Work of the Review Panel

As mentioned earlier, the Panel's work is divided in two parts:

- 1. Develop guiding principles that will inform the project team's work in drafting policy and code changes.
- 2. Evaluate drafts of policy and code changes based on their adherence to those guiding principles.

These two parts will happen a number of months apart, to allow time for the project team to write draft policy and code language.

Members of this uniquely diverse Review Panel will bring a wide range of life experience to both the formulation of principles and the evaluation of draft policy and code. The inherent expertise of the panel, as residents from all walks of life and all corners of the city, will be its most significant asset. But the Panel will also draw on background documents, stakeholder and expert testimony, and public input to further inform its work.

The Panel will begin its work online, and may or may not move to in-person meetings later in its process. As noted in the Timeline section below, we have developed two scenarios for the project – dependent on COVID-19 risk through 2020-21.

See the later sections of this document for details on the Panel's timeline, stipend, and deliverables.

Selection of the Review Panel

We propose the following selection method for this Panel, to be conducted by Healthy Democracy. Except where noted, these are HD's standard selection methods – and common across most practitioners in the field.

- 1. **Send a 5,000-piece mailing to randomly selected residential addresses** in the City of Eugene and unincorporated land within its UGB (supplied by the City's GIS staff).
 - a. Send a reminder, if necessary to all addresses or to a randomly selected subset.
 - b. For US-based projects, we typically receive a 2-3% response rate to mailings.
- 2. Depending on gaps in respondent demographics, **conduct additional targeted outreach**.
 - a. If the response rate is at least 2.5%, we do not expect this to be necessary.
 - b. We will still only accept respondents who live at the 5,000 randomly selected addresses.
- 3. **Compile demographic targets** for the Panel, based on Census and other data. See Appendix B for further information.
- 4. **Conduct a public Selection Event**, where a second random selection process is done from among the collected respondents.



- a. This event typically also includes a presentation from City and process staff on the project, and serves as the press-friendly kickoff of the Review Panel.
- b. This second selection is done on-screen and in real-time using open-source software developed by a fellow deliberative democracy NGO in the UK.
- c. All personal Panelist data is kept fully anonymous during this event. (In general, all personal data is kept private in perpetuity by HD, except for first names and last initials used during the Review, or by specific written permission from Panelists.)
- 5. **Respondents are notified** within 1–2 days.
 - a. Those selected receive further instructions related to their involvement. Those not selected receive other information about how they can stay involved
 - b. HD's Operations Manager is in personal contact with each Panelist several times before the Review begins, to attend to individual needs and questions.

Process Staff

We propose that Healthy Democracy (HD) act as project manager, Panelist selector, Panelist logistics coordinator, and lead process designer, and Carrie Bennett act as lead moderator and process design advisor.

HD and Carrie could carry separate contracts with the City, or HD could carry the contract, with Carrie as a subcontractor of HD, whichever all parties prefer.

What both parties bring to the project:

- Carrie Bennett brings 6 years of process facilitation and mediation experience, including recent past experience facilitating processes with the City of Eugene. She previously worked with HD in 2014 and is familiar with HD's flagship process, the Citizens' Initiative Review, and the unique moderation challenges of these events.
- Healthy Democracy brings 12 years of process design and coordination experience (4 years under current program staff). Based in Portland, Oregon, it is a leading international deliberative democracy lab. In addition to management, Panelist selection, and process design, HD will offer logistical and marketing support to the City throughout the project.

City Staff

We propose that City staff work with process staff on the following tasks:

- Coordinate with process staff on access to City materials and experts.
- Coordinate technical policy experts as part of the feedback-loop process.
- Work with HD and Carrie on all project- and process-design questions in advance of the formation of the Steering Committee.
- Work with HD to provide logistical support for the Panel (e.g., venue, catering, technology).
- Work with process staff to coordinate the Panel's activities within the larger HB 2001 compliance project.
- Communicate regularly and openly about project details and challenges.



Steering Committee

We propose that a Steering Committee be convened in advance of the Panel's first session. The Steering Committee serves several purposes:

- Providing oversight of the overall process structure and fairness not related to the content of the Panel's work, but of the process itself,
- Elevate and amplify the public stature of the Review Panel,
- Represent a tangible buy-in in the process from key interest groups,
- Make several key decisions, so as to remove liability for these decisions from either City or process staff – and remove the possibility of conscious or unconscious bias on the part of staff, and
- Act as a court-of-last-resort for complaints against the process or staff.

For more details about the Steering Committee's proposed role, tasks, composition, procedures, and sequence of meetings, please see Appendix C.

Independence of Process

To maintain the integrity of the process, we believe it is important that process and content are independent of each other. This is for the sake of reducing both actual and perceived bias and improving overall public credibility. In practical terms, this means:

- Process staff design and deliver a process that is content-agnostic, under oversight from the Steering Committee, while
- City staff consult on process design but do not hold final process decision-making power, since they must also coordinate content-specifical technical inputs.

Fully third-party (i.e., not paid from the project budget) academic evaluators will provide an additional layer of projection to the project's credibility.

More details on our proposed Divisions of Responsibility and Division of Accountability are detailed later in this document.



4) Process Outline

Preparations (Summer 2020)

- Establish roles, overall project design, and sign MoUs & contracts.
- Design deliberative process, consulting City and local partners.
- Select Steering Committee, to include project staff, politically diverse stakeholders, process experts, and (later) Panelists.
 - Committee reviews process design, selects initial stakeholder and expert witnesses, and oversees Panel selection.
- Begin marketing campaign around the project.
 - Opportunity to hold an online kick-off press event or open house.
- Carry out Panelist selection process, as detailed above.
- Establish independent, third-party evaluators.

Part 1 (Fall 2020)

- Phase 1: Introduction & Initial Background (~10 hours of Panelist work)
 - Intro to the process and deep dive on the topic at hand from City staff,
 briefing documents, and initial witnesses selected by the Steering Committee.
 - Analysis of background information, with an eye toward future principles.
 - Selection of future stakeholder and expert witnesses, through a collaborative process.
- Phase 2: Witness Testimony & Principles (~16 hours)
 - Selected witnesses stakeholders and experts appear before the Panel.
 - Iterative group brainstorming, deliberation, and prioritization to establish principles to guide policy and code revisions.

Staff Work (Winter 2020-21)

• Staff use principles to draft initial policy and code concepts.

Part 2 (Spring 2021)

- Phase 3: Additional Evidence & Initial Policy and Code Concepts (~6 hours)
 - City technical staff present initial policy and code concepts to the Panel.
 - Panel deliberates on concepts' adherence to principles and works with staff.
- Staff revise and refine policy and code concepts, based on the Panel's feedback.
- Phase 4: Policy Deliberation & Report Writing (~8 hours)
 - City technical staff present revised policy and code drafts to the Panel.
 - Panel deliberates on its final evaluation, and drafts its report.
- Panel presents its final report to decision makers.
 - Report contains principles, policy evaluation, and rationales, all written by Panelists and unedited by staff.
 - Report also contains an explanation of the process, written by Healthy Democracy and City staff.



Follow-Up

- Panelist representatives attend future Planning Commission and Council meetings where recommendations are discussed and report back to fellow Panelists.
- Decision makers provide an official written response to the final report.
- Independent evaluators issue a report on the process.



5) Timeline

The timeline for this project is highly dependent on conditions related to COVID-19. Two scenarios are proposed below.

Overview of Scenarios

Scenario 1: Hybrid Online/In-Person

This scenario assumes the full resumption of normal business in Oregon by Spring 2021.

- Preparation: July August
- Phases 1 & 2: September
 - o 10 online meetings, ~2.5 hours each (total of 26 hours)
- Break for technical work
- Phase 3: December
 - o 3 online meetings, 2 hours each (total of 6 hours)
- Break for technical revision
- Phase 4: March
 - o 2 in-person weekend days (total of 8 hours)

Scenario 2: Online Only

This scenario assumes a less-than-complete opening of business in Oregon by Spring 2021, or a health environment that could prevent vulnerable potential Panelists from serving.

- Preparation: July August
- Phases 1 & 2: September
 - o 10 online meetings, ~2.5 hours each (total of 26 hours)
- Break for technical work
- Phase 3: December
 - o 3 online meetings, 2 hours each (total of 6 hours)
- Break for technical revision
- Phase 4: March
 - o 3 online meetings, ~2.5 hours each (total of 8 hours)

Factors to Consider

Two factors make in-room Review Panels especially unlikely even under relaxed social distancing guidelines:

- Since they select for age diversity, Review Panels necessarily include members who
 are especially vulnerable to COVID-19. Elderly residents may be unlikely to
 volunteer, even if official restrictions are lifted.
- It would be impossible to maintain any form of social distancing at these events.



6) Project Budget

Based on a 30-person Panel doing 40 hours of total work. This assumes Scenario 1 above (a fully online Panel). Scenario 2 (Phases 1-3 online; Phase 4 in person) would incur approx. \$600 in additional costs.

Panelist Expenses						
Panelist Stipends (40 hrs. @ \$16/hr. x 30 Panelists) Alternate Panelist Compensation (\$50 x 10 alternates) Add'l. Stipends for Panelists on Steering Cmte. (8 hrs. @ \$16/hr. x 2 Panelists)						
					Panelist Recruitment	\$5,000
					5,000-Unit Initial Mailing (@ ~\$0.50/unit)	\$2,500
5,000-Unit Follow-Up Mailing (@ ~\$0.50/unit)						
Staff Expenses	\$39,550					
Process Design & Project Management (480 hrs. @ \$40/hr.)	\$19,200					
Logistics Management (260 hrs. @ \$40/hr.)	\$10,400					
Process Advice (10 hrs. @ \$100/hr.) Assistant Moderators (50 hrs. @ \$20/hr. x 6 moderators)						
				AV & Tech Support (30 hrs. @ \$40/hr.)	\$1,200	
Additional Program Support (45 hrs. @ \$30/hr.)						
Public Relations	\$3,000					
Expert Selection Support*	\$1,000					
Materials	\$2,000					
Online Services & Hardware	\$1,500					
Physical Materials (for online Panel, includes mailing to Panelists)	\$500					
Total	\$70,500					

^{*} Sub-contract with academic partner, to assist the Steering Committee and the Panel in their witness selection duties.



7) Division of Responsibility

This represents the proposed division of work between the three project partners. As with the rest of this document, this is a proposal only – subject to discussion among all parties.

	City of Eugene	Healthy Democracy	Carrie Bennett
Prep	 Lead on all political concerns & relationships with others in the City. Work with HD to select Steering Committee. Draft briefing materials for the Panel. Coordinate with technical experts to prepare them for their role in the Panel. Lead on coordinating stakeholder & expert witnesses – following requests from Steering Cmte. (initially) & Panel itself (later). Most work on this will be done by Expert Selection subcontractors (at an academic institute), but City staff may need to assist as well, particularly in sourcing stakeholder witnesses. City will coordinate logistics for all witness appearances. 	 Lead on project management (specifically for the Review Panel) – of course, project management for the larger HB 2001 project rests with the City. Work with City to select Steering Cmte. Lead on process design, in close consultation with Carrie & other advisors. Recruit & train all assistant moderators & other support staff. Find & orient third-party evaluators. Orient all witnesses in advance of their appearance. 	 Consult on process design, with HD. Moderate 1 Steering Cmte. meeting (assistant moderators each moderate 1 meeting, as well).
Logistics	 If online: possibly assist with IT support. If in-person: assist with venue & other on-the-ground support. 	 Lead on logistics, for both Steering Cmte. & Review Panel itself. Deliver all aspects of Panelist selection. Deliver all aspects of Panelist care. Lead on technical concerns (both hardware & software), with assistance from City when possible. 	• None.



Process	 Act as liaison with staff witnesses, technical staff & other City staff. Act as liaison with political officials. 	 Co-lead process team & act as primary representative of process design (in Process Advisor role). Act as liaison with non-City stakeholder & expert witnesses. 	Co-lead process team & act as primary representative of moderator corps (in Lead Moderator role).
Public Relations	 Possibly: City PIOs lead on public relations, before, during, and after process. 	 Possibly: HD Marketing Manager leads on PR, with support from City PlOs. 	None.
Follow- Up	 Co-lead follow-up with Panelists after the end of the Review from the political side, including updating the Panel on the response to its recommendations and opportunities for further engagement. Receive and publish report from third-party evaluators. 	 Lead process staff debrief. Co-lead follow-up with Panelists from the Panelist side, including helping to coordinate Panelist attendance at future Council meetings. Receive and publish report from third-party evaluators. 	Participate in process staff debrief.



8) Division of Accountability

This represents the proposed division of final decision-making authority among the three parties above, as well as the Steering Committee.

Before project launch, all project design decisions (i.e., this document and future MoU) would be the shared work of the City, HD, and Carrie Bennett. After project launch, final decision-making authority would divide as follows:

City of Eugene

- Decisions related to initial briefing documents for the Panel, other informational inputs to the Panel (e.g., survey data), and technical staff engaged in feedback loops with the Panel. This does not restrict the Panel's ability to introduce its own documentation at designated times during the process; it only applies to initial briefing docs.
- Minor and/or urgent content decisions during the Review Panel, in consultation with process staff and according to the high-level guidance of the Steering Committee and the Review Panel.

Healthy Democracy

- Decisions related to Panelist selection methodology, with general approval from Steering Committee.
- Minor logistics-related decisions related to the process.
- Minor and/or urgent process decisions during the Review Panel (shared with Carrie Bennett on a consensus basis).

Carrie Bennett

- Moderation-related process decisions, including adding or removing an assistant moderator or adjusting moderation methods (within the basic Principles in this document)
- Other minor and/or urgent process decisions during the Review Panel (shared with HD on a consensus basis).

Steering Committee

- Certain major content and process decisions. Note that representatives of both the
 City and the process team would sit on the Steering Committee as members, but
 would also be subject to its decisions, as described in the Procedures section above.
 The Committee would hold decision-making power over certain high-level aspects
 of design and content only, to be specifically delineated in advance.
 - Minor and/or urgent process-related decisions would be delegated to HD and Carrie.
 - Minor and/or urgent content-related decisions would be delegated to City staff.



• Court-of-last-resort for Panelist or public disputes with the process, as described in the Procedures section above.

9) Deliverables

- 1. Press Release Opportunities, depending on media strategy and in collaboration with City PIOs; possible at the following time points:
 - a. On announcement of the Review Panel, including notes about the Steering Committee, mailing, and Selection Event.
 - b. Reminder before Selection Event, with details on how to view it publicly.
 - c. On the result of the Selection Event, with the Panelist Selection Report, a reminder of the Panel's details, and how to view it publicly.
 - d. After Phases 1 & 2 of the Panel, including possibly announcing its work to that point item (a) of the Panel Recommendations below.
 - e. Before Phase 3, with a reminder on how to view it publicly.
 - f. Before Phase 4, with a reminder on how to view it publicly.
 - g. On the result of the Review Panel's work, with the Panel Recommendations and Explanation of the Process.
- **2.** Panelist Selection Report, written by HD, to include:
 - a. Description of the Panelist selection methodology,
 - b. Demographic targets,
 - c. Demographic profile of the selected Panel, and
 - d. Demographic profile of alternates.
- **3.** Panel Recommendations, written exclusively by Panelists, with no editing from City, HD, or other process staff, to include:
 - a. Principles and criteria on which to base recommendations.
 (Sorted by level of support; those with supermajority support are highlighted.)
 - b. Core recommendations, answering the question at hand. (Sorted as above.)
 - c. Process recommendations, or other auxiliary recommendations. (Sorted as above.)
- 4. Explanation of the Process, written by HD and approved by the Panel.



Appendix A: How Is This Different Than a Typical Community Advisory Committee?

Although lottery-selected Panels act in the role of a public advisory committee, their principles and practices differ from standard advisory committees in a number of key ways:

- Panelists are selected by democratic lottery a stratified random sample of Eugene residents aged 16+, a microcosm of the city in one room. Because lottery-selected Panels are composed of residents who are typically not otherwise involved in City politics, they are capable of more deliberative arbitration of fraught political topics.
- Stakeholders and interest groups are not absent from the process, but they do not sit on the committee itself. Rather, they participate in the process in two ways:
 - A politically diverse selection of stakeholders sit on the Steering Committee that oversees the process and guarantees its fairness and guality, and
 - A wide array of stakeholders present to the Panel during the process, as witnesses.
- Although it only offers recommendations, the Review Panel is treated more like a council, commission, or other decision-making body than a typical advisory committee. Staff serve the Panel in supportive, rather than directive, roles. This paradigm shift is reflected in process design, moderation style, and budget, with typically around 1/3 of project funds being paid directly to Panelists.
- The Panel gathers an unusually wide range of evidence. In addition to stakeholders, the Panel hears from staff and non-staff expert witnesses, has ample time to review documents and question all presenters, and may call its own witnesses. It may also receive other public engagement inputs – including survey data, listening sessions, walking tours, etc. – or hold open public workshops.
- The Panel engages in lengthy deliberations around basic values and principles, before delving into any policy solutions. These discussions seek mutual understanding and shared goals, but they do not force consensus. As with the rest of the Review, they are professionally moderated and follow a detailed process design established in advance, while remaining flexible to the Panel's needs.
- The Panel engages in multiple in-depth feedback loops with technical staff, to review proposed policies in detail and work with staff to apply its principles.
- The Panel's output is therefore substantial, including both:
 - o Criteria on which it believes any decision should rest, and
 - o Detailed, approval-ready policy proposals (or a review of existing proposals).
- In order to accomplish these significant tasks, Review Panels are highly efficient public processes, while remaining comfortable, supportive, and collaborative environments for Panelists.
- Since randomly selected Panels include folks from many walks of life, universal accessibility is emphasized. Panelists are paid a stipend and reimbursed for transportation, childcare, and eldercare. Both the in-room process and out-of-room logistics seek to accommodate Panelists' specific needs, providing support services such as translation and assistive technology and adapting to differential learning styles. In online processes, transportation and child/eldercare reimbursements are replaced by technology and hot-spot internet access, as needed.



Appendix B: More About Demographic Targets

Healthy Democracy uses seven standard demographic categories and a standardized methodology. There may be legitimacy-related value to using standard categories and methodology, but there may also be specific needs for local variation. The following are political decisions about the target demographics that should be made by the convening City, in consultation with HD:

- Choosing demographic categories.
- Choosing subcategories within those categories.
- Selecting a population to sample (e.g., residents above a certain age, legal residents above a certain age, or only registered voters).
- Deciding on other details of the selection methodology.

Our standard seven categories are:

- **Age** (in 7 age ranges)
- **Gender** (in 3 subcategories)
- Race & Ethnicity (in 6 subcategories)
- Location of Residence (in 5–7 subcategories, usually by clustering neighborhoods)
- Party Registration (or "not registered") (in 4 subcategories)
- Educational Attainment (in 4 subcategories)
- Renter/Homeowner Status

An eighth category, such as **Disability Status**, is also possible and open to further discussion.

We typically use the most recent Census estimates (typically 3-year ACS) as the basis for all categories except Party Registration and Political Engagement (if used). For this review, City staff have requested that we use K-12 demographic data for as many categories as possible, both to increase the racial/ethnic diversity of the Panel and to more accurately reflect the demographic profile of the future city for which the Panel will plan. The categories for which we would substitute K-12 data would be: Gender, Race & Ethnicity, Location of Residence, and Renter/Homeowner Status.

Additional documentation on HD's standard selection methods and targets is available upon request.



Appendix C: Steering Committee Details

Principle tasks of the Steering Committee include:

- Oversee and verify Panelist selection, conducted by Healthy Democracy,
- Select initial witnesses presenting to the Panel during Phase 1 of the process (see outline below), with advice from City staff and outside academic expert selection-support subcontractor,
- Approve of high-level process outline or work with staff to amend process to reach approval,
- Monitor and approve any high-level changes to the process, as it moves forward,
- Be a visible cheerleader of the process not of any particular potential results, but of the process itself; work with City PIOs or other marketing staff, as appropriate, and
- Arbitrate any complaints filed by Panelists or others against the process or process staff.

Composition of the Steering Committee:

- 1 City Councillor
- 2 Planning Commission Members
- 4 key stakeholders, drawn from a wide political spectrum on the issue at hand (with 1 being a member of a prior advisory group likely the Housing Tools & Strategies
 W/G)
- 1 process staff member (HD Process Lead)
- 2 City staff members
- 2 Panelists from this Review Panel (after being selected)

Steering Committee procedures:

- Committee selection and management is a shared responsibility of City staff and Healthy Democracy.
- Committee is moderated by one of the process' moderators, on a rotating basis, and these duties are included in each moderator's contract. (This serves the dual function of introducing the Committee to the moderators.)
- All key decisions require super-majority support from the Committee, following the decision-making philosophy of the Review Panel itself: "aim for consensus, but don't force it."

Sequence of meetings (each limited to 60 minutes):

- Prior to the Review:
 - Meeting 1: Introduction to process, and approve process plan.
 - Meeting 2: Oversee Panelist selection, and identify opportunities to amplify the stature of the Review, with marketing staff.
 - Meeting 3: Approve any substantial changes to process plan, and begin discussion of initial witnesses.
 - Meeting 4: Continue discussion, and decide on initial witnesses.
- During the Review:



- Meeting 5: Introduce new Panelist members of the Committee, and approve any substantial process changes.
- Meetings 6-8: Short check-ins with the Committee, unless there are any process changes, complaints, or other business to attend to.
- After the Review:
 - Meeting 9: One final check-in to resolve any final business, receive an initial report from third-party evaluators, and debrief the Review.